

REMARKS/ARGUMENTS

In response to the Final Office Action mailed July 15, 2009, Applicants propose to amend their application and request reconsideration in view of the proposed amendments and the following remarks. In this amendment, Claim 1 is proposed to be amended, claims 6 and 7 have been cancelled without prejudice and no claims have been added so that Claims 1-4 are currently pending. No new matter has been introduced.

Claims 1-4 and 7 were rejected as being unpatentable over U.S. Patent Publication 2005/166841 to Robida (Robida). This rejection is respectfully traversed.

In order to make a finding of obviousness, an Examiner must (1) determine the scope and content of the prior art, including non-analogous art if it is in the field of endeavor reasonably related to the particular problem to which the claimed invention is directed, (2) ascertain the differences between the claimed invention and the prior art, considering both the prior art and claimed invention as a whole, and (3) resolve the level of ordinary skill in the art at the time of the invention, factoring in the creativity that one of ordinary skill in the art would employ as well as the Examiner's own knowledge and technical expertise.

It is respectfully submitted that the references taken as a whole fail to disclose or suggest all of the claimed limitations.

Robida discloses a clamping fixture for spray coating stent. Robida discloses there is a need for a device for holding a stent during a coating operation that supports the stent against the forces of the coating operation and that does not inhibit the coating process. Robida also discloses that stents may be coated with drug-loaded polymer coatings. Robida discloses a laundry list of therapeutic agents including the anti-proliferative rapamycin and cladribine. Robida also discloses that any of the agents may be combined.

Robida fails to disclose or even suggest a combination of two agents and two polymers used in the same coating system. This invention is for a medical device comprising a rapamycin and cladribine used in a basecoat polymer of PVDF/HFP covered by a topcoat of BMA. This is not suggested anywhere in the references in a single system. Accordingly, reconsideration and withdrawal is respectfully requested.

Claims 1-4 were rejected under 35 U.S.C. § 103(a) as being unpatentable over WO 01/87372 to Kopia et al. in view of U.S. Patent No. 5,516,781 to Morris et al. (Morris). Claims 6 and 7 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Kopia in view of Morris and further in view of U.S. Patent Publication No. 2003/36794 to Ragheb et al. (Ragheb). These rejections are respectfully traversed with respect to the pending claims..

Kopia discloses the local release of a combination of specific agents from a stent. The two agents are the anti-proliferative agent rapamycin and the anti-inflammatory agent dexamethasone. These drugs may also be delivered systemically.

Morris discloses a method of preventing or treating hyperproliferative vascular disease in a mammal by administering an antiproliferative effective amount of rapamycin alone or in combination with mycophenolic acid.

Ragheb discloses coated implantable medical devices. Various polymers may be utilized in the coating, including acrylic and fluoropolymers.

Once again, there is simply no disclosure or suggestion in the references taken as a whole of the unique combination of agents and polymers as describe above. Accordingly, for all the reasons set forth herein, reconsideration and withdrawal of the rejection is respectfully requested.

Applicant would be grateful for the opportunity to conduct a telephonic or in-person interview if the Examiner believes it would be helpful in disposing of the present case.

Respectfully submitted,

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